

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. [BILL NUMBER]

Property development exactions.

Sponsored by: Representative(s) HDraft

A BILL

for

1 AN ACT relating to city, county, state and local powers;
2 providing limitations on the imposition of mitigation or
3 exaction fees imposed by governmental entities; providing
4 exemptions; providing definitions; providing conforming
5 amendments; specifying applicability; and providing for an
6 effective date.

7

8 *Be It Enacted by the Legislature of the State of Wyoming:*

9

10 **Section 1.** W.S. 16-13-101 and 16-13-102 are created
11 to read:

12

13

CHAPTER 13 - LAND USE REGULATIONS

1 ARTICLE 1 - LIMITS ON EXTRACTIONS AND MITIGATION FEES

2

3 **16-13-101. Definitions.**

4

5 (a) As used in this act:

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7 (i) "Structure built for agricultural purposes"
8 means a structure whose primary purpose is to support the
9 following agricultural activities:

10

11 (A) Cultivation of the soil for production
12 of crops;

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14 (B) Production of timber products or
15 grasses for forage;

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17 (C) Rearing, feeding, grazing or management
18 of livestock.

19

20 (ii) "Land use permitting authority" means the
21 governing bodies of all cities and towns and counties, any
22 special district, planning commission, zoning commission or

1 other entity of state or local government which issues land
2 use permits.

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4 (iii) "Land use permit" means any permit issued
5 by a land use permitting authority which is required by
6 state law, local ordinance or rule to be obtained before:

7

8 (A) Land can be subdivided for residential
9 or commercial development;

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11 (B) A structure can be built, renovated or
12 an addition built onto the structure.

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14 (iv) "Mitigation or exaction fees" means fees
15 charged by a land use permitting authority as a condition
16 of receiving a land use permit which bear no reasonable
17 relationship to the costs of providing services to the
18 proposed development or mitigating a direct negative impact
19 of the proposed development, but which is intended to
20 address issues in a city, town or county primarily external
21 to the proposed development. A mitigation or exaction fee
22 may be imposed as a fee in a dollar amount to be paid by

1 the developer or take the form of a required concession
2 from the developer or landowner;

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4 (v) "Proposed commercial purpose" means any
5 structure whose primary purpose is not residential or
6 agricultural;

7

8 (vi) "Proposed residential development" means
9 any structure intended primarily for human habitation;

10

11 (vii) "This act" means W.S. 16-13-101 and 16-13-
12 102.

13

14 **16-13-102. Limits on imposition of extractions and**
15 **mitigation fees on specified proposed property development.**

16

17 (a) A land use permitting authority shall not require
18 as a condition for the issuance of a land use permit for a
19 proposed residential development the imposition of a
20 mitigation or exaction fee for any structure intended to
21 serve primarily as single-family residential dwelling that
22 do not exceed four thousand (4,000) in the proposed
23 development.

1

2 (b) A land use permitting authority may require as a
3 condition for the issuance of a land use permit for a
4 proposed residential development the imposition of a
5 mitigation or exaction fee not to exceed fifty dollars
6 (\$50.00) per square foot for any structure intended to
7 serve primarily as single-family residential dwelling that
8 exceed four thousand (4,000) in the proposed development.

9

10 (c) A land use permitting authority shall not require
11 as a condition for the issuance of a land use permit for a
12 proposed residential development the imposition of a
13 mitigation or exaction fee for any structure intended to
14 serve primarily as a multi-family residential dwelling that
15 does not exceed two thousand five hundred (2,500) total
16 square feet for any single unit within a multi-family
17 residential dwelling in the proposed development.

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19 (d) A land use permitting authority may require as a
20 condition for the issuance of a land use permit for a
21 proposed residential development the imposition of a
22 mitigation or exaction fee not to exceed fifty dollars
23 (\$50.00) per square foot for any structure intended to

1 serve primarily as a multi-family residential dwelling that
2 exceeds two thousand five hundred (2,500) total square feet
3 for any single unit within a multi-family residential
4 dwelling in the proposed development.

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6 (e) A land use permitting authority shall not require
7 as a condition for the issuance of a land use permit for a
8 proposed commercial development the imposition of an
9 extraction or a mitigation fee for any structure intended
10 to serve a primarily commercial purpose that do not exceed
11 five thousand (5,000) total square feet for all structures
12 within the proposed development.

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14 (f) A land use permitting authority may require as a
15 condition for the issuance of a land use permit for a
16 proposed commercial development the imposition of an
17 extraction or a mitigation fee not to exceed thirty-five
18 dollars (\$35.00) per square foot in total for any structure
19 intended to serve a primarily commercial purpose that
20 exceed five thousand (5,000) total square feet within the
21 proposed development.

22

1 (e) A land use permitting authority shall not impose
2 any mitigation or exaction fee on any structure built for
3 agricultural purposes.

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5 [STAFF COMMENT: All building square footage amounts and
6 extraction or mitigation fee amounts are placeholders
7 awaiting the Task Force's final determination.]
8

9 **Section 2.** W.S. 15-1-103(a) by creating a paragraph
10 (l) and W.S. 18-2-101(a) by creating a paragraph (ix) are
11 amended to read:

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13 **15-1-103. General powers of governing bodies.**

14
15 (a) The governing bodies of all cities and towns may:

16
17 (l) Impose mitigation or exaction fees only to the
18 extent authorized by W.S. 16-13-102.

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20 **18-2-101. General powers.**

21
22 (a) Each organized county in the state is a body
23 corporate and politic. The powers of the county shall be
24 exercised by a board of county commissioners which may:

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(ix) Impose mitigation or exaction fees only to the extent authorized by W.S. 16-13-102.

Section 3. This act shall apply to all permits approved for proposed residential or commercial development on or after July 1, 2024.

Section 4. This act is effective July 1, 2024.

(END)